

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

FILE COPY

To:
HORACE H. NG
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

PCT

WRITTEN OPINION

(PCT Rule 66)

		Date of Mailing (day/month/year)
Applicant's or agent's file reference 17887-58PC		REPLY DUE within 1 months/days from the above date of mailing
International application No. PCT/US02/03806	International filing date (day/month/year) 06 February 2002 (06.02.2002)	Priority date (day/month/year) 06 February 2001 (06.02.2001)
International Patent Classification (IPC) or both national classification and IPC IPC(7): G06F 17/30 and US Cl.: 705/7,8,14		
Applicant YAHOO! INC.		

09/778 666

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 06 June 2003 (06.06.2003).

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer Donald L. Champagne Telephone No. 703-306-5771
--	---

I. Basis of the opinion

1. With regard to the elements of the international application:*

 the international application as originally filed the description:

pages 1-13 _____, as originally filed

pages NONE _____, filed with the demandpages NONE _____, filed with the letter of _____. the claims:

pages 14-19 _____, as originally filed

pages NONE _____, as amended (together with any statement) under Article 19pages NONE _____, filed with the demandpages NONE _____, filed with the letter of _____. the drawings:

pages 1-5 _____, as originally filed

pages NONE _____, filed with the demandpages NONE _____, filed with the letter of _____. the sequence listing part of the description:pages NONE _____, as originally filedpages NONE _____, filed with the demandpages NONE _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages NONE _____ the claims, Nos. NONE _____ the drawings, sheets/fig NONE _____5. This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINIONInternational application No.
PCT/US02/03806**FILE COPY****V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-27</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-27</u>	NO
Industrial Applicability (IA)	Claims <u>1-25</u>	YES
	Claims <u>26-27</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-27 lack novelty under PCT Article 33(2) as being anticipated by Fox et al. Fox et al. teaches a plurality of restrictions designed to limit allocation levels of time slots for advertising, which reads on advertising inventory (col. 1 lines 10-17 and col. 9 lines 22-67). Fox et al. does not explicitly teach a plurality of categories of advertisements. However, categories of advertisements are inherent to correspond to the inventory demand curves taught by the reference (col. 6 lines 27-66 and Figs. 2-4).

Claims 26 and 27 lack industrial applicability as defined by PCT Article 33(4). It is not clear what useful purpose these so-called "demand curves" serve. They are not the same as the "demand curves" described in the specification, e.g., Fig. 6 described on pp. 8 and 12.

----- NEW CITATIONS -----
US 6,061,691 (FOX) 9 May 2000; col. 1 lines 10-17; col. 4 lines 25-30; col. 6 lines 27-66; and col. 9 lines 22-67.

WRITTEN OPINION

International application No.

PCT/US02/03806

FILE COPY**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 26 and 27 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because the term "demand curve" in the first line of each claim is not used in a way that would be recognized by one of ordinary skill in the art. As a term on the prior art, a demand curve is a plot of price or rate versus some measure of quantity demanded. See, for example, Fig. 2-5 in Fox. The instant claims use the term to mean a plot of day of delivery versus days before delivery.

Claims 26 and 27 are objected to as lacking clarity under PCT Rule 66.2(a)(v) because these claims are not fully supported by the description. The application, as originally filed, did not describe: demand curves as plots of day of delivery versus days before delivery.

WRITTEN OPINION

International application No.
PCT/US02/03806

FILE COPY

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.